

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION
AT CINCINNATI**

LYNNE M. NILL, et ux.,	:	Case No. C-1-01-755
Plaintiffs,		:
		[Beckwith, J.; Hogan, M.J.]
		:
vs.	:	<u>JOINT MOTION FOR EXTENSION OF REBUTTAL EXPERT DISCLOSURE DEADLINE</u>
PERRIGO SALES CORPORATION, et al.,		:
		:
Defendants.		:

Plaintiffs, Lynne Nill and Dennis Nill, and defendants, Bristol-Myers Squibb Company and Perrigo Sales Corporation, move the Court for an order extending the deadline for contemporaneous disclosure of rebuttal expert witnesses. In support of this motion, the parties state as follows:

On July 12, 2004, Magistrate Judge Hogan entered a Calendar Order in the above-captioned case setting forth various deadlines, including the deadline for the parties to make a contemporaneous disclosure of rebuttal expert witnesses. The deadline for that disclosure is January 1, 2005.¹

The parties currently are in active settlement negotiations. As a result, they previously agreed to postpone the deposition of plaintiffs' case-specific expert witness, Dr. Woo. Given the nature of the settlement negotiations, the parties wish to postpone the deadline for submitting contemporaneous rebuttal expert witness disclosures until a date after Dr. Woo's deposition.

¹The Calendar Order actually indicates the date of the disclosure of rebuttal experts is January 1, 2004, which is an error. Given that January 1, 2005, is a Saturday, the actual date of disclosure is January 3, 2005.

Specifically, the parties are in agreement that the disclosure deadline should be postponed until one week following the date of the completion of Dr. Woo's deposition. It is the parties' intention immediately to take Dr. Woo's deposition if settlement negotiations are not successful.

Based upon the foregoing, the parties request that the Court grant their joint motion and rule that the deadline for contemporaneous disclosure of rebuttal expert witnesses shall be one week following the completion of Dr. Woo's deposition.

Respectfully submitted,

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